

REMARKS

Claims 1-8 and 10-20, and 24 are pending in this application. By this Amendment, claims 1, 19, 20, and 24 are amended. Applicant respectfully requests reconsideration of the pending claims at least in light of the following remarks.

The Office Action rejects claims 1-5, 17-20, and 24 under 35 U.S.C. §103(a) over U.S. Patent No. 6,856,044 to Reis-Muller in view of U.S. Patent No. 5,155,467 to Matsubara or U.S. Patent No. 6,639,511 to Haruna et al. (Haruna) (or Haruna in view of JP 2002-067822 and U.S. Patent Publication 2002/0039951 to Hasegawa) and further in view of U.S. Patent No. 6,615,122 to Yamashita. The Office Action also rejects claims 6-11, 14, and 15 over the previous combination in view of U.S. Patent Publication 2002/0039951 to Hasegawa and claim 16 over the previous combination in view of U.S. Patent 6,816,081 to Okada.

Applicant respectfully traverses the rejections.

In order to establish a prima facie case of obviousness, three criteria must be met (MPEP §§ 2142, 2143). 1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to the skilled artisan, to modify the reference or combine reference teachings. 2) There must be a reasonable expectation of success. 3) The prior art reference (or references when combined) must teach or suggest all of the claim limitations. The first two criteria must both be found in the prior art, and not based on Applicant's disclosure.

Applicant respectfully submits that the Office Action at least fails to satisfy the first criteria. In particular, the Office Action has failed to identify an appropriate suggestion or motivation to modify the device of Reis-Muller to utilize front and/or side airbag sensors.

In support of the above rejections, the Office Action alleges that the modification is suggested because "it would have been obvious the acceleration sensors in normal operation including sensors providing data for operating front/side airbags could be used as designer

choice for providing data to anti-theft device for reason of accuracy and reliability" [sic] (Office Action, p. 3). Here the Office Action is simply alleging that the device of Ries-Muller could be modified simply because it is known that front/side airbags include acceleration sensors.

The fact that a reference "can be modified" or that a modification would be "within the ordinary skill of the art" is not enough to establish a *prima facie* case of obviousness under §103(a) unless the reference(s) also suggest the desirability of such a modification (see MPEP §§ 2143.01(III) and 2143.01(IV)). The Office Action fails to identify any indication of the desirability of the alleged modification within the references, as required by MPEP §§ 2142, 2143. Rather, the Office Action only alleges the general motivation of "accuracy and reliability." However, nothing in any of the applied references suggests that front/side airbag sensors would be any more accurate or more reliable than the sensors of Reis-Mueller in sensing auto theft. Thus, the Office Action's alleged motivation is not found in the references. Absent such a teaching, the Office Action is simply alleging that a designer could use front/side airbag sensors, which is not sufficient to establish obviousness under §103 (MPEP §2143.01(III)).

Because the Office Action has failed to identify an appropriate suggestion or motivation to modify the device of Ries-Muller to utilize front and/or side airbag sensors, the Office Action has failed to establish a *prima facie* case of obviousness under §103(a). Accordingly, the applied references, either alone or in combination, fail to at least disclose, teach, or suggest the apparatus of claims 1, 19, 20, and 24, "wherein the acceleration detection unit is an acceleration sensor which was disposed in a front collision air bag ECU and/or an acceleration sensor which was disposed in a side collision air bag ECU." Thus, claims 1, 19, 20, and 24 are patentable over the applied references.

Further, claims 1-8, 10, 11 and 14-18 are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite. Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claims 12 and 13 over Reis-Muller, Matsubara or Haruna, and Yamashita in view of U.S. Patent 6,452,961 to Van Wechel. Applicant respectfully traverses the rejection.

Applicant respectfully submits that the Office Action again at least fails to satisfy the first criteria necessary to establish a *prima facie* case of obviousness under §103(a). In particular, the Office Action has failed to identify an appropriate suggestion or motivation to modify the device of Ries-Muller to filter noise from the theft detection sensors. In this respect, the Office Action alleges that it would have been obvious to modify the device of Reis-Muller by the alleged teaching of Yamashita because "eliminating noise by filtering or periodic integrating a detected signal is well known; and implementing this feature to Reis-Muller combined provides additional noise resistance to the acceleration signal" (Office Action, p. 6).

Again, the Office Action is simply alleging that the device of Ries-Muller could be modified simply because it is known that noise from acceleration sensors may be reduced by filtering or periodic integrating a detected signal.

As discussed above, the fact that a reference "can be modified" or that a modification would be "within the ordinary skill of the art" is not enough to establish a *prima facie* case of obviousness under §103(a) unless the reference(s) also suggest the desirability of such a modification (see MPEP §§ 2143.01(III) and 2143.01(IV)). The Office Action fails to identify any indication of the desirability of the alleged modification within the references, as required by MPEP §§ 2142, 2143. Rather, the Office Action only alleges the general motivation of "additional noise resistance."

None of the applied references disclose the Office Action's alleged motivation. Absent such a disclosure, the Office Action is simply alleging that a designer could use reduce noise by filtering or periodic integrating a detected signal, which is not sufficient to establish obviousness under §103 (MPEP §2143.01(III)).

Furthermore, there is no motivation within any of the applied references for modifying Reis-Muller as suggested by the Office Action. In particular, Reis-Muller discloses acceleration sensors used to detect auto theft. At most, Yamashita discloses that noise detected by sensors during a collision may be filtered to more accurately deploy an airbag. However, since the device of Reis-Muller is neither concerned with vehicle collisions nor airbags, this teaching is inapplicable to the device of Reis-Muller. None of the applied references suggest the desirability of filtering noise in anti-theft detection sensors.

Because the Office Action has failed to identify an appropriate suggestion or motivation to modify the device of Ries-Muller to filter noise from the theft detection sensors, the Office Action has failed to establish a *prima facie* case of obviousness under §103(a). Accordingly, the applied references, either alone or in combination fail to at least disclose, teach, or suggest the apparatus of claims 12 and 13. Applicant respectfully requests withdrawal of the rejection.

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of claims 1-8 and 10-20, and 24.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/ldg

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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